

## ITEM

**Application:** 2024/824

**Location:** Gresham Place, 9 Portley Wood Road, Whyteleafe CR3 0BQ

**Proposal:** Erection of extensions at ground, first and loft levels together with new car parking and drive arrangement

**Ward:** Whyteleafe

**Decision Level:** Planning Committee

*Constraints – Green Belt, Areas of Special Advertising Consent, Ancient Woodland(s) within 500m, Biggin Hill Safeguarding, X Road Class, Source Protection Zones 2 and 3*

**RECOMMENDATION:** **APPROVE, subject to conditions**

This application is reported to Committee following a Member request by Councillor Cline for the following reasons:

- Concerns over the scale, bulk and design

### Summary

Planning permission is sought for a two-storey front extension in association with single storey porch addition and first floor front extension. The design of the development is considered acceptable having regard to the existing style of the dwelling and area and would not result in significant harm to neighbouring property amenities. There are no objections raised on any other ground and it is therefore recommended that planning permission be approved.

### Site Description

The site is located on the western side of Portley Wood Road accessed via a long driveway. The site is located within the Green Belt. The dwelling is situated in large grounds which slope downwards towards the eastern side, so the dwelling and parking areas are more elevated than the remainder of the site. The surrounding area is a mixture of rural and residential.

### Relevant History

CAT/1883 - Use as a residential nursery for 25 children - Approved

CAT/2762 - Adaption for use as residential nursery - No Objection

CAT/4433 - Alterations & additions - Approved

CAT/8760 - Alterations and annexe to form group room - Approved 16/03/1970

2022/1511 - Confirmation that the dwelling as built under application reference 86/1205 is considered as the original dwelling house - Granted 31/05/2023

2023/489 - Reinstatement of a former tennis court with new perimeter fencing, gates and surfacing - Approved 25/07/2023

2023/831 - Erection of ground floor extension, first and loft levels, new car parking and drive arrangement - Withdrawn 29/08/2023

2023/1088 - Addition of doors and windows - Withdrawn 20/09/2023

2023/1274 - Erection of ground floor extension, first and loft levels extension, new car parking and drive arrangement - Refused 21/12/2023 Appeal dismissed 12/06/2024 (Ref: APP/M3645/D/24/3340247)

### **Key Issues**

The site is located in the Green Belt where the key issues are whether the proposal constitutes inappropriate development and, if so, whether very special circumstances are demonstrated that clearly outweigh the harm by definition and any other harm; and also impact on character and appearance and residential amenity.

### **Proposal**

Erection of extensions at ground, first and loft levels together with new car parking and drive arrangement.

### **Development Plan Policy**

Tandridge District Core Strategy 2008 – Policies CSP1, CSP18

Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13

Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021) – Policies CCW4 and CCW5

### **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

Tandridge Parking Standards SPD (2012)

Tandridge Trees and Soft Landscaping SPD (2017)

Surrey Design Guide (2002)

### **National Advice**

National Planning Policy Framework (NPPF) (December 2023)

Planning Practice Guidance (PPG)

National Design Guide (2019)

### **Consultation Responses**

County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.

Whyteleafe Parish Council – “Whyteleafe Village Council objects to this application for the following reasons:

- Over-development of the plot by virtue of the overall scale, size and increased footprint of the proposed building
- The proposed development is out-of-character and would harm the appearance of the site. Councillors consider that changes in the design (since the last application) are insufficient to remove this reason for objection.
- Importantly, the entire site is designated Green Belt (‘washed-over’) and no case has been made for exceptional circumstances that would appear to outweigh the harm to the Green Belt.

If you are minded to permit this application, we ask that you consult with local District Councillors as we have requested that this case be referred to the TDC Planning Committee (“called-in”) for a final decision. As a result of the above, the Village Council would expect this application to be refused. If, however, District Councillors are minded to permit we would wish to see conditions added that state, for example, a requirement that the property remain a single family dwelling in perpetuity and that all permitted development rights are removed. Finally, Councillors continue to have concerns over the future use of the building. If it were possible, they would prefer that any planning application be held in abeyance until the question of future use as a House of Multiple Occupation is resolved. An HMO in this location would appear to be unacceptable for reasons addressed by several local residents of Portley Wood Road.”

Southern Gas Network – “Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal.”

### **Public Representations/Comments**

Third Party Comments:

- Previous decision dismissed at appeal
- Inappropriate as a potential HMO in the Green Belt
- The property is already 5 times the size of other nearby properties
- A further increase to the size would be out of keeping
- Property has been used unlawfully as a HMO
- Concerns over increase in sewage systems
- Alterations would be visible from the road
- Current septic tank is insufficient
- Contribution to road maintenance should be considered
- Environmental impact
- Bins overflow on the property
- Concerns over road safety
- 20% increase in volume is not in keeping with other properties in the road
- Noise and pollution concerns
- The application does not meet the Biodiversity Net Gain requirement

### **Assessment**

Procedural note

The Tandridge District Core Strategy 2008 and Local Plan Detailed Policies 2014 predate the NPPF as published in December 2023. However, paragraph 225 of the NPPF (Annex 1) sets out that existing Policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance with the degree of consistency with the current Framework.

### Green Belt

Paragraph 152 of the NPPF advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances with paragraph 153 adding that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Paragraph 154 of the NPPF sets out a number of exceptions for the construction of new buildings in the Green Belt being regarded as inappropriate and, under criterion c), this includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building which applies to this proposal.

Local Plan Policy DP10 advises that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused and will only be permitted where 'very special circumstances' exist that clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.

Policy DP13 of the Local Plan lists exceptions to new buildings in the Green Belt being regarded as inappropriate development and includes an assessment for the extension/alteration of buildings and the re-use of buildings. In terms of extension/alteration proposals, these will be permitted where the proposal does not result in disproportionate additions over and above the size of the original building as it existed on 31 December 1968 (for residential dwelling) or if constructed after the relevant date, as it was built originally.

The planning history of the site indicates the property as it was before 1968. The starting point for a consideration of whether the proposals would be considered disproportionate, is the original volume of the house.

This was found to be approximately 2,804m<sup>3</sup>. The calculations are as follows:

Original dwelling	2,804m <sup>3</sup>
Proposed additions	554m <sup>3</sup>
Total	3,358m <sup>3</sup>

Mathematically, and as a guide, proposals resulting in a 40% volume increase above that of the original building are likely to be supported subject to a visual assessment. As above, the proposed enlargement to the original building would constitute a 20% increase over the original dwelling. In terms of a mathematical assessment, this is not considered to represent a disproportionate addition.

In addition to the above, it is necessary to assess the visual impact and as to whether the development would have an effect on the openness of the Green Belt. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belts are their openness and their permanence and one of the purposes of the Green Belt is to keep land permanently open. In this instance, given the scale of the existing building and positioning in relation to the existing building, it is

not considered to constitute a visually disproportionate addition which would have a wider impact on the openness of the Green Belt. The site is heavily bordered by mature established trees which restrict views into, or from the site whilst the long driveway would separate the building from the street. Whilst the increase-built form will have some impact on the openness of the Green Belt by reason of encroaching onto undeveloped land beyond the existing building line, the impact is considered to be limited in this case and in an area already largely disturbed by existing hardstanding.

As such, it is considered that only limited harm to the Green Belt would result whilst the additions would not form a mathematically or visually disproportionate addition to the original dwelling.

### Character and Appearance

Paragraph 131 of the NPPF December 2023 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to state that planning decisions should ensure that developments will function well, add to the overall quality of the area, be sympathetic to local character and history (whilst not discouraging innovation) and establish a strong sense of place. It also states that development that is not well designed should be refused.

Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.

Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.

Caterham, Chaldon and Whyteleafe Neighbourhood Plan Policy CCW4 relates to the character of development and states that development is expected to preserve and enhance the character area in which it is located. Policy CCW5 relates to the design of development which is expected to be of high quality integrating well with its surroundings.

The site is located within the Green Belt area in Whyteleafe, north of the built-up area in Caterham. Portley Wood Road is a private road, linking Burntwood Lane in Caterham and Salmons Lane in Whyteleafe. The road itself is rural in nature, surrounded by an area of open countryside with Manor Park to the northeast. Whilst mostly residential, sites along Portley Wood Road are informal in their layout significantly varying in scale, design, and style. To the east of the site is De Stafford School which is located on higher ground given the drop in gradient from the east to the west in terms of the topography of the area.

The application site is occupied by a two-storey detached dwelling with landscaped, well-kept gardens. There are a number of detached outbuildings on site with parking located to the front of the existing building and a swimming pool to the south side of the application site. Third Party comments raise concern with regards to the use of the building, which was understood to be serving as a House of Multiple Occupation

(HMO). However, at the time of the Officer site visit, the building was understood to be vacant. The Planning Agent has advised that the use as an HMO has ceased, and its current and intended use is as a C3 Dwellinghouse which is also the lawful use of the building. This application therefore seeks householder planning permission, and an approval would not grant any alternative use of the site.

Planning permission is sought for the erection of a two-storey extension, and first floor extension to the western elevation of the existing building. The enlargements would be wholly contained within the western elevation and therefore would not alter or change the rear elevation of the dwelling. Given the layout of the site, the rear elevation fronts Portley Wood where a large separation is demonstrated. There is also a significant distance from the building to Portley Wood Road along the existing access, where heavily planted boundaries in terms of tree coverage provide a level of screening to the streetscene from all angles. The extensions would therefore not impact the streetscene.

In accordance with the Caterham, Chaldon and Whyteleafe Neighbourhood Plan, development is expected to preserve and enhance the character area in which it is located. The design should reflect local context, character and the vernacular of the area and enhance the quality of the built form through innovation in design. Noting that the scheme has been reduced since the previously dismissed appeal, the extensions are now considered acceptable having regard to the scale of the existing building and subservient design. The previous application for a three-storey flat roof extension was refused and dismissed due to the overall scale and design, where the Inspector specifically commented on the design of the flat roof corner of the development. The Inspector made the following comments:

*'The three-storey flat roofed element would be visually jarring against the prominent pitched roof and would undermine this traditional and characteristic feature of the dwelling. It would be set behind a parapet, nevertheless the differing roof form would be clearly apparent. Nor would it reflect the subservient character of the existing modest flat roof projections. Due to their bulk, height and appearance the extensions, taken together, would unacceptably undermine the traditional character of the building and would be overly dominant.'*

The three-storey element has been removed, and now only a two-storey gable extension on this side to mimic the proposed gable extension to the opposite side. The right-hand gable would extend 7.6 metres compared to 10.8 metres which was previously refused. As such, the applicant has appropriately addressed the concerns previously identified by both the Officer and Inspector, and it is considered that this scheme would not result in harm to the character and appearance of the site, area or building. Given the overall scale of the site, the extension could be sufficiently accommodated for without appearing overdeveloped or cramped in appearance. Any displaced parking from the development would be accommodated for north of the dwelling as shown on the proposed site plans.

For the above reasons the proposal would not have significant impacts in terms of character and appearance and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies and Policy CSP18 of the Core Strategy and CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan.

Residential Amenity

Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic, and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.

The above Policies reflect the guidance at Paragraph 135 of the NPPF, which seeks amongst other things to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users of development.

The proposed extensions would be located to the front of the existing building, a significant distance from any nearby neighbours. The closest nearby neighbours to the site are located to the south at No.9A Portley Wood Road and Robin Hill. The boundary of these neighbours is in excess of 60 metres from the existing building at No.9 Portley Wood and considering the constraints of the site, is not considered to be significantly impacted as a result of the development.

For the reasons outlined, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties and therefore no objection is raised in this regard against Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008).

#### Parking Provision and Highway Safety

Paragraph 115 of the NPPF December 2023 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.

The proposal incorporates further hardstanding to provide additional parking spaces. This would replace some of the parking lost as a result of the proposed extension which would project into the existing parking area for the dwelling. It is therefore considered that the site can accommodate the displaced parking sufficiently and no objection is raised in this regard.

#### Landscaping and Trees

Policy CSP18 of the Core Strategy requires that development must have regard to the topography of the site, important trees and groups of trees and other important features that need to be retained. Criterion 13 of the Local Plan Policy DP7 required that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes the provision for retention of existing trees that are important by virtue of their significance within the local landscape.

The Tandridge Trees and Soft landscaping SPD (2017) outlines the importance of landscaping which applies to urban and rural areas and advises that it is *'essential that the design of the spaces around building is given the same level of consideration from*

*the outset as the design of building themselves'. Trees are not only a landscape environmental benefit but, as the SPD outlines, a health benefit for people which enhances their environment.*

The proposed development would be located in close proximity to existing nearby trees. As such, the Tree Officer was consulted, and his comments are as follows:

*"I have read the AIA and it looks like they propose removing a minimal amount of trees (x3.)*

*The tree being removed which would provide value would have been the Ash, but this is terminal decline with Ash die-back, so the council would not seek further protection measures on this anyway and the remaining two trees are not of value in terms of policy.*

*That being said, they are impinging on RPA areas of several other trees and this would usually be a risk for the trees. However, I do believe because there was originally a swimming pool in this location, that the tree roots should be well adapted and have hopefully already found alternative means to keep them stable.*

*They have provided no dig solutions and protective measures to try and mitigate any risks and have also suggested replacement planting.*

*I feel like there is a slim potential of losing two 'A' lister trees but if they adhere to the protective measures outlined in the Arboriculture report it can work.*

*If you are in the mindset to proceed with this, I feel we should set the below conditions at least to keep the trees protected and some replacement planting for the removed trees:*

*No [further] trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which are removed, or which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.*

*Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.*

*No development shall start until the tree protection measures detailed within the approved Tree Protection Plan (ACS Trees Arboricultural Appraisal and Impact Assessment) and Arboricultural Method Statement have been implemented. Thereafter these measures shall be retained and any specified methods of construction, arboricultural supervision or staging of works strictly adhered to throughout the course of development and shall not be varied without the written agreement of the Local Planning Authority.*

*In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:*



- (a) *No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.*
- (b) *No further trenches, drains or service runs shall be sited within the RPA of any retained trees.*
- (c) *No further changes in ground levels or excavations shall take place within the RPA of any retained trees.*

*Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.”*

This conclusion of the specialist is considered to be sound and therefore, subject to these conditions, no objection would be raised on the grounds of the impact on trees or landscaping.

#### Other Matter

Many third-party comments query the use of the building. It is understood that the building has previously been used unlawfully as a House of Multiple Occupants. This use has ceased, and the building is confirmed to have a lawful use as a Use Class C3 Dwellinghouse. Any deviation to this lawful use may be subject to enforcement action. The planning application must therefore be assessed on the basis that they are extensions to serve an existing residential dwelling in C3 use.

#### Conclusion

The design of the development would respect the character and appearance of the site and area and would not result in harm to neighbouring property amenities. The scale of the development would be respectful to the scale and constraints of the site and therefore would not result in overdevelopment of a cramped appearance. There are no objections raised on any other ground and it is therefore recommended that planning permission be approved.

The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government’s Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to Policies within the Council’s Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

#### **RECOMMENDATION:                      APPROVE, subject to conditions**

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered 1984-612 P01, 1984-02 P01, 1984-03 P01, 1984-04 P01, 1984-05 P01, 1984-06 P01, 1984-07 P01, 1984-08 P01,

1984-09 P01, 1984-10 P01, 1984-11 P01, 1984-601 P01, 1984-104 P01, 1984-201 P01, 1984-202 P01, 1984-103 P01, 1984-204 P01, 1984-205 P01, 1984-206 P01, 1984-616 P01, 1984-618 P01, 1984-621 P01 received on 26<sup>th</sup> July 2024 and 1984-613 P02, 1984-614 P02, 1984-615 P02, 1984-617 P02, 1984-619 P02, 1984-620 P02 received on 1<sup>st</sup> August 2024. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. No [further] trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which are removed, or which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. No development shall start until the tree protection measures detailed within the approved Tree Protection Plan (ACS Trees Arboricultural Appraisal and Impact Assessment) and Arboricultural Method Statement have been implemented. Thereafter these measures shall be retained and any specified methods of construction, arboricultural supervision or staging of works strictly adhered to throughout the course of development and shall not be varied without the written agreement of the Local Planning Authority.

In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:

- a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
- b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
- c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

## Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990, and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.
2. The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP5, DP7, DP10, DP13, Caterham Chaldon and Whyteleafe Neighbourhood Plan Policies CCW4 and CCW5, and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the Development Plan and there are no other material considerations to justify a refusal of permission.
3. The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (December 2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning Policies and guidance and representations received.